AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. (currently amended): A positive active material for a secondary battery comprising β-FeOOH that contains at least one element selected from the group consisting of B, P, S, Li, Na, K, Mg, Al, Ca, Sc, Ti, V, Cr, Mn, Co, Ni, Cu, Zn, Zr, Pb and Sn and that shows a diffraction peak ~~from the~~ of (110) plane ~~having a~~ of which half width ~~Y satisfying 0.3°<Y~~ is greater than 0.3° (2θ) when subjected to X-ray diffractometry with the CuKα ray, wherein said Li is not the element intercalated by the electrochemical discharge reaction in the electrolyte.

2. (original): A process for the preparation of a positive active material for a secondary battery according to Claim 1 which comprises a step of hydrolyzing an aqueous solution, in which an iron salt and a salt containing at least one element selected from the group consisting of B, P, S, Li, Na, K, Mg, Al, Ca, Sc, Ti, V, Cr, Mn, Co, Ni, Cu, Zn, Zr, Pb and Sn are dissolved, at a temperature of from 40°C to 100°C.

3. (original): A process for the preparation of a positive active material for a secondary battery according to Claim 2, wherein said iron salt is ferric chloride, said vanadium salt is $VOSO_4$, and said aqueous solution contains $FeCl_3$ and $VOSO_4$ together dissolved therein at a molar ratio satisfying $0 < (VOSO_4/FeCl_3) < 0.1$.

4. (currently amended): A positive active material for a secondary battery comprising β-FeOOH that has particles with an aspect ratio of not greater than 5 and that shows a

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diffraction peak ~~from the~~ of (110) plane ~~having a~~ of which half width ~~Y satisfying 0.3°<Y~~ is greater than 0.3° (2θ) when subjected to X-ray diffractometry with the CuKα ray.

5. (currently amended): A positive active material for a secondary battery comprising β-FeOOH that has particles with a mode diameter of not greater than 10 μm and that shows a diffraction peak ~~from the~~ of (110) plane ~~having a~~ of which half width ~~Y satisfying 0.3°<Y~~ is greater than 0.3° (2θ) when subjected to X-ray diffractometry with the CuKα ray.

6. (original): A positive active material for a secondary battery according to Claim 4 or 5, wherein said positive active material further contains at least one element selected from the group consisting of Li, Na, K, Mg, Al, Ca, Sc, Ti, V, Cr, Mn, Co, Ni, Cu, Zn, Zr, Pb and Sn.

7. (original): A positive active material for a secondary battery according to Claim 4 or 5, wherein the amount of said at least one element selected from the group consisting of Li, Na, K, Mg, Al, Ca, Sc, Ti, V, Cr, Mn, Co, Ni, Cu, Zn, Zr, Pb and Sn is not smaller than 0.1 wt%.

8. (previously presented): A process for the preparation of a positive active material according to Claims 4 or 5, which comprises a step of hydrolyzing an aqueous solution, in which ferric chloride and a salt containing at least one element selected from the group consisting of Li, Na, K, Mg, Al, Ca, Sc, Ti, V, Cr, Mn, Co, Ni, Cu, Zn, Zr, Pb and Sn are dissolved, at a temperature of from 40°C to 100°C.

9. (previously presented): A non-aqueous electrolyte secondary battery comprising the following elements:

(1)   a negative electrode comprising a negative active material capable of inserting and extracting lithium ion and/or metallic lithium;

(2)   a positive electrode comprising a positive active material according to any one

of Claims 1, 4, or 5; and

(3)   an electrolyte in contact with said negative electrode and positive electrode.

10. (currently amended): A positive active material for a secondary battery according

to claim 1, comprising β-FeOOH that contains at least one element selected from the group

consisting of B, P, S, Li, Na, K, Mg, Al, Ca, Sc, Ti, V, Cr, Mn, Co, Ni, Cu, Zn, Zr, Pb, and

Sn and that shows a diffraction peak ~~from the~~ of (110) plane ~~having~~ of which half width ~~Y~~

~~satisfying 0.5° < Y~~ is greater than 0.5° (2θ) when subjected to X-ray diffractometry with the

CuKα ray.